



Patent
Attorney's Docket No. 1034185-000057

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Hideyo Kikuchi) Group Art Unit: 1794
Application No.: 10/520,255) Examiner: Erik Kashnikow
Filed: August 22, 2005) Confirmation No.: 2936
For: LAMINATED MATERIAL, METHOD)
OF PRODUCING LAMINATED)
MATERIAL, METHOD OF HEAT)
SEALING LAMINATED MATERIAL)
AND PACKAGING CONTAINER (AS)
AMENDED)

RESPONSE TO HOLDING OF LACK OF UNITY OF INVENTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated June 21, 2008, the following remarks are submitted.

The aforementioned Official Action indicates that the claims in this application involve two different inventions which lack unity of invention. The Official Action identifies the following two inventions.

Group I invention defined in Claims 1-6 and 11 drawn to a laminated material.

Group II invention defined in Claims 7-10 drawn to a method of heat sealing a laminated material.

Based on the observation that the two inventions lack unity of invention, a requirement has been imposed to elect one of the two inventions.

Applicants hereby elect, with traverse, the Group II invention defined in Claims 7-10.

The election is made with traverse for at least the following reasons. The Official Action takes the position that Japanese Application Publication No. 4-19139 discloses certain features recited in claims of this application. However, this same reference was cited in the International Search Report of the corresponding international application and was thus known to the International Searching Authority, yet the International Searching Authority did not raise a concern about lack of unity of invention. It is thus not understood why such an issue is believed to be relevant here, particularly taking into account the International Searching Authority's familiarity with the unity of invention requirement as evidenced by the fact that the International Searching Authority determines compliance with the unity of invention requirement for every international application.

In light of the foregoing, withdrawal of the holding of lack of unity and examination of all of the claims of this application, including elected Claims 7-10, are respectfully requested.

Should any questions arise in connection with this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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Date: July 24, 2008

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